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NETFLIX, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

LOUIS GUERRA, JR.,

Plaintiff,

v.

NETFLIX,

Defendant.

Case No. C-07-3343 MJJ

**JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT**

[L.R. 16-9; Standing Order 3/1/2007]

Case Management Conference  
Date: 10/2/2007  
Time: 2:00 p.m.  
Ctmt: 11, 19<sup>th</sup> Floor  
Judge: Hon. Martin J. Jenkins

Complaint filed: June 26, 2007

No Trial Date Set

JOINT CASE MANAGEMENT CONFERENCE STATEMENT Case No. C-07-3343 MJJ

Pursuant to the Court's March 1, 2007 Standing Order, and Civil Local Rule 16-9, the parties to the above titled action jointly submit the Case Management Statement.

**I. Jurisdiction and Service**

This court has jurisdiction over this matter under 28 U.S.C section 1331 on the grounds that Plaintiff's claim for relief arises under a law of the United States. All named parties have been served.

**II. Facts**

**A. Plaintiff's Factual Summary**

\*\*\*\*\* I WAS HIRRED TO DO A PREPARET JOB FOR MY MOTHER BUT WAS TAKEN AWAY FROM ME IN A RUDE AND DISCRIMINATORY MANNER AND ITS ALL ON CAMERA AND ALSO IF YOU IS MY ACTUAL EMPLOYER THEN NETFLIX SHOULD HAVE CALLED YOU TO FIRE ME!

**B. Defendant's Factual Summary**

Plaintiff worked at Netflix's Sunnyvale location for two days as a temporary employee. He was asked not to return because his performance did not satisfy Netflix's production standards. Defendant treated Plaintiff the same as any other temporary employee. Defendant denies that it discriminated against Plaintiff, or harassed him, based on his race or color, national origin, or disability. Defendant's actions were at all times lawful and justified. Defendant denies it has any liability to Plaintiff, and disputes Plaintiff's claims for damages.

**III. Legal Issues**

**A. Plaintiff's Summary**

\*\*\*\*\* \* WAS STARED AT, HARASSED, UNEMPLOYED, AND TERMINATED IN A DISCRIMINATORY MANNER!  
\* NETFLIX SHOULD HAVE CALLED YOU SERVICES TO CALL ME AND TELL ME NETFLIX DIDN'T NEED ME NO MORE! BUT NO THEY TOLD ME GO HOME!

**B. Defendant's Summary**

Whether Plaintiff can establish that he satisfied all administrative prerequisites applicable to his claim(s) for relief;

- 1 - Whether Plaintiff can establish a prima facie case of disability discrimination
- 2 under the Americans with Disabilities Act;
- 3 - Assuming *arguendo* Plaintiff somehow could establish a prima facie case of
- 4 disability discrimination under the ADA, whether NETFLIX can articulate a legitimate, non-
- 5 discriminatory reason for the ending of his temporary position on or about February 13, 2007;
- 6 - Whether Plaintiff has sufficient evidence to overcome Defendant's legitimate
- 7 reason for the ending of his temporary position, to prove pretext under the ADA;
- 8 - Whether Plaintiff can establish a prima facie case of national origin discrimination
- 9 under Title VII;
- 10 - Assuming *arguendo* Plaintiff somehow could establish a prima facie case of
- 11 national origin discrimination under Title VII, whether NETFLIX can articulate a legitimate, non-
- 12 discriminatory reason for the ending of Plaintiff's temporary position on or about February 13,
- 13 2007;
- 14 - Whether Plaintiff has sufficient evidence to overcome Defendant's legitimate
- 15 reason, to prove pretext under Title VII;
- 16 - Whether Plaintiff can establish a prima facie case of color or race discrimination
- 17 under Title VII;
- 18 - Assuming *arguendo* Plaintiff somehow could establish a prima facie case of color
- 19 or race discrimination under Title VII, whether NETFLIX can articulate a legitimate, non-
- 20 discriminatory reason for the ending of Plaintiff's temporary position on or about February 13,
- 21 2007;
- 22 - Whether Plaintiff has sufficient evidence to overcome Defendant's legitimate
- 23 reason, to prove pretext under Title VII;
- 24 - Causation of Plaintiff's alleged damages;
- 25 - The amount of Plaintiff's damages; if any;
- 26 - Assuming liability for discrimination, whether punitive damages should be
- 27 assessed against Defendant; and
- 28 - Whether Defendant has sufficient facts to support its alleged affirmative defenses.

IV. Motions

Plaintiff's Position

\*\*\*\*\* I DON'T UNDERSTAND THIS PART BUT I HAVE WITNESSES WHO WILL TESTIFY OR WRITE LETTER STATING RUDE AND UNFAIR TREATMENT

Defendant's Position

Defendant plans to file a motion for summary judgment or partial summary judgment.

V. Amendment of Pleadings

None planned.

VI. Evidence Preservation

Defendant has within its possession hard copies of what it believes are relevant documents.

VII. Disclosures

Defendant intends to simultaneously exchange its initial disclosure by mail to Plaintiff on September 25, 2007.

VIII. Discovery

Plaintiff's Position

\*\*\*\*\* I DID NOT ISSUE FOR ME TO GO (I REMEMBER NATELLI PROSECUTOR 1570) (ONE THE AN OLD 18-1) (2 AND DAY CAR-DEE) I HAVE PROPHETIC SIGHTING THAT I SHOULD HAVE RECEIVED FOR ME

\*\*\*\*\* IS IT NORMAL PROSECUTOR TO TELL SOMEONE

Defendant's Position

RUDELY TO GO HOME AFTER THE VIO CRIME ALL THE WAY TO WORK AND WASTED DAY

Given the parties' agreement to participate in an early settlement conference, Defendant proposes that all discovery with the exception of parties' simultaneous initial disclosures be suspended until after the early settlement conference.

If this matter does not resolve at or before the early settlement conference, Defendant intends to propound standard discovery. As discovery is just beginning, the number of necessary

1 depositions is unknown. However, Defendant anticipates at this time that the number of  
2 depositions will be within the presumptive limit.

3 Except as stated above, Defendant does not propose any change to the timing, form or  
4 scope of discovery at this time.

5 The parties participated in a Rule 26(f) conference on September 10, 2007.

6 **IX. Class Actions**

7 None.

8 **X. Related Cases**

9 None.

10 **XI. Relief**

11 **Plaintiff's Position**

12 \*\*\*\*\* On My Civil Court Sheet I DID NOT STATE A  
13 DEFICIT BECAUSE I THOUGHT I WAS RECEIVING  
14 COUNSEL THROUGH US DISTRICT COURT, BUT I WAS  
15 DENIED HEARD I BELIEVE I DESERVE SOMETHING LIKE  
16 Defendant's Position \$ 75,000 FOR UNLAWFUL TERMINATION AND DISCRIMINATION  
17 Defendant contends that its actions were at all times justified and lawful. Defendant

18 denies it has acted wrongly or unlawfully in any way and further denies any and all claims for  
19 damages.

20 **XII. Settlement and ADR**

21 The parties have met and conferred on ADR, and have agreed to participate in an early  
22 settlement conference. Accordingly, the parties request an ADR phone call in order to schedule  
23 an early settlement conference.

24 **XIII. Consent to Magistrate Judge For All Purposes**

25 The parties do not consent to a magistrate judge for all purposes.

26 **XIV. Other References**

27 The case is not suitable for non-binding arbitration, a special master or the Judicial Panel  
28 on Multidistrict Litigation.

**XV. Narrowing of Issues**

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JOINT CASE MANAGEMENT CONFERENCE STATEMENT Case No. C-07-1313 MJJ

1 None at this time.

2 **XVI. Expedited Schedule**

3 The case is not suitable for expedited procedures.

4 **XVII. Scheduling**

5 **Plaintiff's Position**

6 \*\*\*\*\* *NO OPPOSITION TO THIS SCHEDULE*

8 **Defendant's Position**

9 Defendant proposes that sufficient time be permitted for the parties to engage in ADR,  
10 discovery and dispositive motions, before trial. Defendant proposes the following schedule:

- |   |               |
|---|---------------|
| 11 a. Discovery cut-off:                  | February 2008 |
| 12 b. Dispositive motion hearing cut off: | April 2008    |
| 13 c. Pretrial Conference:                | April 2008    |
| 14 d. Trial:                              | June 2008     |

15 **XVIII. Trial**

16 Plaintiff's position: \*\*\*\*\* *NO OPPOSITION TO THIS PART*

17 Defendant anticipates trial will take 1 day.

18 **XIX. Disclosure of Non-party Interested Entities or Persons**

19 NETFLIX, INC. states that the following non-party may have an interest in the outcome:  
20 Volt Information Sciences, Inc.  
21 Corporate Headquarters  
22 560 Lexington Avenue, 15th Floor  
23 New York, NY 10022

24 (Volt Information Sciences, Inc. is a temporary staffing agency who was Plaintiff's  
25 actual employer.)

1 Dated: September ~~25~~ 2007

2  
3 By: Louis Guerra, Jr.  
4 Louis Guerra, Jr.  
Plaintiff Pro Se

5 Dated: ~~September 25~~ November 20, 2007

6 Respectfully Submitted,  
7 JACKSON LEWIS LLP

8  
9 By: / s/  
10 Bradley W. Kampas  
11 Cara Ching-Senaha  
Attorneys for Defendant  
NETFLIX, INC.

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